

**MINUTES OF THE PUBLIC HEARING HELD BEFORE THE  
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA  
NOVEMBER 23, 2005**

A public hearing was held at 6:20 p.m. on Wednesday, November 23, 2005 in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

**Roll Call.**

|                                  |         |
|----------------------------------|---------|
| Mayor William J. Schmitt         | Present |
| Councilmembers                   |         |
| John Schroeder                   | Present |
| Bradley Seger                    | Present |
| Thomas Schmidt                   | Present |
| Ambrose 'Butch' Schitter         | Present |
| Renee Kabrick                    | Present |
| Randall Buchta                   | Present |
| Raymond Howard                   | Present |
| City Attorney Sandra Hemmerlein  | Present |
| Clerk-Treasurer Juanita S. Boehm | Present |

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the hearing, a majority of the members of the legislative body must be in attendance. All seven members were in attendance; therefore, there was a quorum for the hearing.

Mayor Schmitt then invited all those present to recite the Pledge of Allegiance.

The purpose of the hearing was to receive public comments concerning the proposal to vacate a platted right-of-way in the O. Eckerle's Victory Villa, 6<sup>th</sup> Addition.

Notice appeared in the Herald on November 9, 2005. Notice was also posted at city hall and faxed to the news media.

Mayor Schmitt then asked for public comment and if there were any remonstrators present.

Attorney William J. Kaiser, Jr., counsel for the petitioners, Haas Family Corp., Robert F. Haas and Rosa Jean Haas, individually and as Trustees of The Haas Family Trust, and Joseph M. Toby, Jr. and Cheyanne K. Toby, was present. Mr. Kaiser displayed a map of the area and explained that the right-of-way, which is between 36<sup>th</sup> and 37<sup>th</sup> Streets, had never been developed. He said there was one storm drain in the right-of-way, but vacation had been approved by the Utility Service Board. Mr. Kaiser stated that the reason for the vacation request is that the Haas Family Mart property will be redeveloped for the new Walgreen's Drug Store and the neighbors do not want any additional traffic by the residences. Mr. Kaiser also stated that a retention area would be constructed for drainage solutions. There also followed some discussion about the exits from the property. City Attorney Sandra Hemmerlein reported that the City would retain a 20' public drainage and utility easement.

There were no other comments and no remonstrators present.

On **motion** made by Councilmember Bradley Seger, seconded by Councilmember Ambrose Schitter, and unanimously agreed, the public hearing was closed at 6:30 p.m.

---

**William J. Schmitt, Mayor**  
**Presiding Officer**

**Attest:**

---

**Juanita S. Boehm, Clerk-Treasurer**

Cynthia Kluemper, Recording Secretary